

Notice of Allowability

Application No.

10/761,006

Examiner

Bao Qun Li

Applicant(s)

OON ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 01/20/2004.
2. ☒ The allowed claim(s) is/are 75 and 76.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/719,528.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date Feb. 27, 2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 04/28/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

bao Qun Li

EXAMINER'S AMENDMENT

Response to the amendments

The preliminary amendment filed on January 20, 2004 has been acknowledged and entered. In the amendment, claims 1-74 have been canceled. The priority statement in Specification on page 1 has been amended. The amendment filed on June 21, 2004 has been acknowledged and entered. Claims 75-77 are pending.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Mass, J, Clifford on April 06 and 28, 2006.

Please amend specification set forth bellow:

On page 8, please delete "Figure 3" in line 16 and insert --- SEQ ID NO: 1 --- please delete "Figures 4-7" in line 17 and insert --- SIQ ID Nos: 2-5 ---

On page 9, please delete "SEQ. ID. NO.:" in lines 8-9, 17-18, 22-23, 28, and insert --- SEQ ID NO: ---

On page 10, lines 4 and 38, please "SEQ. ID. NO.:" and insert --- SEQ ID NO: ---

On page 11, lines 14 and 36, please "SEQ. ID. NO.:" and insert --- SEQ ID NO: ---

On page 12, in lines 1, 9 and 35, please delete "SEQ. ID. NO." and insert --- SEQ ID NO: ---

On page 16, lines 22-23, please delete "SEQ. ID. NO." and insert --- SEQ ID NO: ---

On page 19, lines 4, 38, please delete "SEQ. ID. NO." and insert --- SEQ ID NO: ---

On page 20, line 33, please delete "SEQ. ID. NO." and insert --- SEQ ID NO: ---

On page 27, lines 15, 20, 25, 30 and 35, please delete "SEQ. ID. NO." and insert --- SEQ ID NO: ---

On page 28, line 1, please delete "SEQ. ID. NO." and insert --- SEQ ID NO: ---

On page 29, line 7, after "as" please delete " shown in Figure 3" and inserted --- SEQ ID NO: 1 --- in line 8, after "shown" please delete " in Figure 4-7" and inserted --- as SEQ ID NOs:

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2-5 ---, in line 9, after “polymerase” please delete “ (Figure 4)” and inserted --- (SEQ ID NO: 2) ---, after “polymerase” please delete “ (Figure 5)” and inserted --- (SEQ ID NO: 3) ---, after “core protein” please delete “ (Figure 6)” and inserted --- (SEQ ID NO: 4) ---, in line 12, after “polymerase” please delete “ (Figure 7)” and inserted --- (SEQ ID NO: 5) ---

Please amend claims set forth bellow:

Claim 75 (current amended).

In line 1 after “ isolated” please delete “peptide” and insert --- HBV surface antigen polypeptide ---

In line 1 after “by”, please delete “an” and inserted -- - the ---

In line 2, please delete “ SEQ.ID. NO.” and insert --- SEQ ID NO: ---

Claim 76 (current amended).

In line 1 after “ isolated” before “ peptide”, please insert --- HBV surface antigen ---

In line 1 after “by” please delete “an” and inserted -- - the ---

In line 2, please delete “ SEQ.ID. NO.” and insert --- SEQ ID NO: ---

Please cancel claim 77.

Claims 75-76 are allowed and are re-written as follows:

Claim 75 (current amended). An isolated HBV surface antigen polypeptide encoded by the nucleic acid molecule comprising nucleotides 155 through 835 of SEQ ID NO: 1.

Claim 76 (current amended). An isolated HBV surface antigen peptide encoded by the nucleic acid molecule comprising nucleotides 527 through 595 of SEQ ID NO: 1.

2. The following is an examiner’s statement of reasons for allowance: This application is a division of applications 10,209,264 and 09/719,528. Both of them are now issued as US Patents No. 6,787,142B2 and 6,558,675B1. They are directed to the nucleic acid molecule of a unique isolated HBV ‘S’-133” Oon strain. In particular, the surface antigen of said HBV comprises some unique mutations. The current application is directed to the unique surface antigen polypeptide or peptide encoded by two fragments of nucleotide sequences of the surface antigen

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of 's' -133 Oon strain. No prior art teaches and suggests the isolated HBV surface antigenic polypeptide and peptide encoded by the nucleotide from 155 to 835 and 527 to 595 of SEQ ID NO: 1 respectively. The supports of the amended claims are provided through the specification, especially in page 9, lines 6-10 and lines 20 to 24.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 571-272-0904. The examiner can normally be reached on 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BAOQUN LI, MD
PATENT EXAMINER

Bao Qun Li
04/30/2006

